

REMARKS

Favorable consideration is respectfully requested for claims 33 and 34 in view of the following remarks.

In the Office Action dated June 18, 2003, claims 33 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,298,254 ("Prewett") and U.S. Patent No. 5,061,286 ("Lyle"). Claims 1-32 were previously cancelled; claims 33 and 34 remain pending.

Interview

Supervisory Primary Examiner Shaver is thanked for the courtesies extended during an in-person interview held October 14, 2003.

Rejection under 35 U.S.C. § 103(a)

The invention relates to a monolithic bone and a process of treating monolithic bone. The term bone, as recited in the claims, refers to a structure that consists of both an inorganic phase and an organic phase. On the other hand, demineralized bone refers to bone that has been treated with acid. The acid treatment reacts with the bone to remove the inorganic phase from the bone—leaving only the organic phase of the bone remaining. Thus, demineralized bone is quite unlike the claimed bone recited in the claims because it does not contain an inorganic phase.

The rejection relies on the Prewett and Lyle patents, which both disclose the treatment of demineralized bone. Therefore, the applied prior art does not disclose the claimed invention. Moreover, the claim recites "monolithic bone," which is distinct from the teachings of Prewett and Lyle. Accordingly, it is respectfully requested that the rejection of claims 33 and 34 be withdrawn and that an interference be declared with U.S. Patent 6,162,258 as previously requested.

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

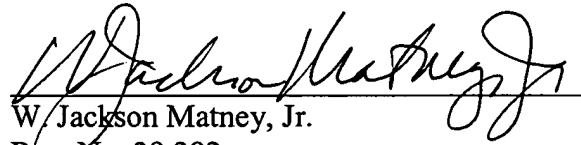


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PATENT

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response; please charge any deficiency in fees or credit any overpayments to Deposit Account No. 10-0447 (Docket # 64230-00005USD2).

Respectfully submitted,

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